



City of Carmel

Carmel Advisory Board of Zoning Appeals Hearing Officer Monday, December 13, 2004

The meeting was held at 6:00 PM in the Council Chambers of City Hall, Carmel, Indiana on Monday, December 13, 2004. The Hearing Officer was Charles Weinkauff. The meeting opened with the Pledge of Allegiance.

Department of Community Services Staff in attendance was Angie Conn and Jon Dobosiewicz; John Molitor, Legal Counsel, was also present.

D. Public Hearing:

1d. North Meridian Medical Pavilion

The applicant seeks the following development standards variance:

Docket No. 04110022 V Chapter 25.07.02-10.b 2 signs oriented east

The site is located at approximately 12202 North Meridian Street (US 31) and is zoned B6/Business (pending), within the US 31 Overlay.

Filed by Mike Cook of Wooden & McLaughlin LLP for Metro Acquisitions, LLC.

Present for the Petitioner: Mike Cook, attorney, One Indiana Square, Suite 1800, Indianapolis. These buildings are to have frontage along North Meridian Street and eventually on Illinois Street extended, as proposed between 116th Street and Carmel Drive. This variance would allow two 95 square foot signs on each of the 2 buildings to be constructed on the site. The Ordinance permits one sign on each building. Site location map was shown with the approximate extension of Illinois Street. Also shown was a rendering of the buildings with the signage. Each building would be the same. Many visitors to the buildings would be either first-time or infrequent visitors, so proper signage would be necessary.

Members of the public were invited to speak in favor or opposition to the petition: no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. If the petitioner followed the Ordinance, they would be allowed one sign on both Meridian Street and the proposed Illinois Street. They were proposing to transfer the frontage allowed on Illinois Street to the east side, which is Meridian Street. The Department recommended positive consideration.

Mr. Weinkauff asked about the signage, North Meridian Medical Pavilion, in the rendering.

Mr. Cook did not know if that would be the actual wording of the signage. One may be tenant identification signage rather than building identification signage.

Mr. Weinkauff asked Staff if that was standard procedure to be non-specific of the signage when applying for a variance.

Mrs. Conn stated that they showed the font and the color. If they were to change it, it would go back to the Plan Commission committee for an ADLS Amendment.

Mr. Weinkauff **APPROVED Docket No. 04110022 V, North Meridian Medical Pavilion.**

2d. Wood Creek, Sec 1, lot 9

The applicant seeks the following development standards variance:

Docket No. 04090027 V Chapter 25.02.02 Fence height

The site is located at 11535 Creekside Ln E. The site is zoned S-1/Residence.

Filed by Jason Plake and Erin Rhodes.

Present for the Petitioner: Jason Plake, 11535 Creekside Lane East, Carmel. Erin Rhodes was also in attendance. This privacy fence was built on the back of their lot. The lot backs up to 116th Street just off Gray Road and near the Flowing Well Park. The back of the lot is wooded. They thought they were allowed to build up to a nine-foot fence in the buildable area. While they were building the fence in early July, Kevin Brennan, a Carmel inspector, came out and thought the fence was on the property line and it could only be six feet. They informed Mr. Brennan that it was six feet within the property line, so he told them to continue. At the end of the week, after the fence was finished, they got an email from Mr. Brennan saying there was an issue with the buffer zone and buildable area. Therefore, the fence could only be six feet and a variance would be needed. The height of the fence does not affect the neighbors and the look is softened by bushes and trees on the street-side. The property is approximately four feet lower than the street level, so from the street the fence does appear to be 9 feet tall. Pictures were shown of the fence and property.

Members of the public were invited to speak in favor or opposition to the petition: no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. She stated that the property is lower than 116th Street; therefore the 9-foot fence was not intimidating. The Department recommended positive consideration.

Mr. Weinkauff stated that the pictures very graphically showed 116th Street considerably above the property. A 9-foot fence would be intimidating in other situations. He had driven by the property and the fence looked very nice.

Mr. Weinkauff **APPROVED Docket No. 04090027 V, Wood Creek, Sec 1, lot 9.**

3d. 450 1st Ave NW - Guest House

The applicant seeks the following development standards variance:

Docket No. 04110019 V Chapter 25.01.01.C.4 guest house on lot under 1 acre

The site is located at 450 1st Ave NW.

The site is zoned R-2/Residence within the Old Town Character Sub-area.

Filed by Matt Stark for Mr. & Mrs. Hall.

Present for the Petitioner: Matt Stark, 5031 N. Kenwood Ave, Indianapolis, contractor of record for the project. This would not affect the use and value of the adjacent neighbors or the community in any form. The guest house would not be used as a rental. It would be a temporary guest quarters only. Currently this building has no use.

Jill Hall, 450 First Avenue, NW, Carmel. The building existed when they moved to the property. It had been used as a work shop and for storage. None of their family lives in the Carmel area. Their house is small for overnight guests. This building would allow private space and a bathroom. It is not visible from the front of the property.

Robert Hall, 450 First Avenue, NW, Carmel. They were looking for additional bedroom space for friends and family, not a rental.

Members of the public were invited to speak in favor or opposition to the petition: no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The variance was needed because there cannot be a guest house unless the parcel is over one acre. The Department felt that converting the existing building into a guest house would bring character to Old Town. The Department recommended positive consideration.

Mr. Weinkauff asked if the house would be heated and if so, how it would be heated.

Mr. Stark replied that it would have gas heat and it would also be air conditioned. The plumbing facilities would be tied into the City services.

Mr. Weinkauff stated that he did not feel it would be a problem to install a kitchenette or to rent it.

Mr. and Mrs. Hall stated that there would be a loft bedroom.

Mr. Weinkauff **APPROVED Docket No. 04110019 V, 450 1st Ave NW – Guest House.**

4d. Fecitt, Lot 1 – Haddad Residence

The applicant seeks the following development standards variance approval:

Docket No. 04110020 V Chapter 26.02.19.D front building setback

The property is located at 14415 Cherry Tree Road and is zoned S-1/Residence.

Filed by Robert Haddad.

Present for the Petitioner: Bob Haddad, 5292 Breakers Way, Carmel. They have a contract to purchase this home and would close Wednesday, December 15.

Mr. Weinkauff interrupted to ask if it was proper for Mr. Haddad to ask for a variance for a property he does not own.

Mr. Haddad stated that the application asked if he was the purchaser of contract.

Mrs. Conn stated that it was OK if the current owner co-signed the application or submitted a letter.

Mr. Molitor stated that if Mr. Haddad has a right under contract to purchase the property, then he has the right to request the variance.

Mr. Haddad stated that their intention was to remodel the home. They would take the existing garage and create more indoor space. A garage would be added in the front. The 70-foot setback was fairly unique to this property and the property to the south which was sub-parceled from this property to make a two-lot subdivision. The setback line would come through the far corner of the garage. They want to extend the garage out and come down the hill and turn into the garage. The garage would still be 38-40 feet from the road. He had support letters from the adjoining property owners to the north and to the south. He also received a letter in support from the Fecitt's who own the property.

Members of the public were invited to speak in favor or opposition to the petition: no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The petitioner wanted to place the garage in this location because of the topography of the site. There is a steep slope from Cherry Tree Road. The Department recommended positive consideration.

Mr. Weinkauff asked about the location of the entrance into the garage.

Mr. Haddad stated that the garage doors would not face the road.

Mr. Weinkauff **APPROVED Docket No. 04110020 V, Fecitt, Lot 1 – Haddad Residence.**

5d. Hamilton Crossing West, Bldg 6 - SM&P

The applicant seeks the following development standards variance approval:

Docket No. 04110021 V Chapter 25.07.02-10(b) two signs oriented east

The property is located southwest of 131st Street & US 31 and is zoned B-5/Business within the US 31 Overlay Zone.

Filed by Steve Granner of Bose McKinney & Evans LLP for SM&P Utility Resources, Inc.

Present for the Petitioner: Steve Granner, Zoning Consultant with Bose McKinney & Evans, 600 E. 96th Street, Suite 500, Indianapolis. Also present was Tassy Davis, Duke Realty Corporation. As with other buildings along the US 31 corridor, buildings which are permitted multiple signs, based on multiple frontages, need a variance to move a sign from one frontage to another. This particular building has three frontages and is permitted three signs. The existing sign is the Odessa sign on the east side of the building. This variance would take the sign that would be permitted on the west façade and move it to the east façade along the corridor. That would take it away from the residential side and put it on the commercial side. Under Tab 4, the square footage of the SM&P sign and the Odessa sign together is slightly more than three-quarters of the size of a single sign that would be permitted on that façade. The Special Studies Committee of the Plan Commission approved the sign request. There was one change on

the specifications under Tab 7 for the logo and how it would be lighted. Tab 5 showed the existing building with the Odessa sign. Tab 7 superimposed the SM&P sign on the north end of the east façade. The letters, colors and lighting were complimentary to the Odessa sign.

Members of the public were invited to speak in favor or opposition to the petition: no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. There is a residential area to west of this property, therefore, it made sense to place the sign on the east façade facing the more heavily traveled US 31. The Department recommended positive consideration.

Mr. Weinkauff **APPROVED Docket No. 04110021 V, Hamilton Crossing West, Bldg 6 – SM&P.**

E. Old Business.

There was No Old Business.

F. New Business.

There was No New Business.

G. Adjourn.

The meeting was adjourned at 6:45 PM.

Chares Weinkauff, Hearing Officer

Connie Tingley, Secretary